

**Remarks**

The Examiner has considered the new claims 85-110 as directed to inventions distinct from what is claimed in the elected claims and has withdrawn them from consideration. Applicant has canceled claims 91-110 and 88 and 89. The Examiner is respectfully requested to reconsider the withdrawal of claims 85-87 and 90 as depending from allowable claims in view of the amendments to claims 49-62 discussed below. Should the Examiner, upon reconsideration, still believe that the amendments to claims 49-62 do not justify allowance of claims 85-87 and 90 in this application, Applicant will give permission by telephone for the claims to be canceled by Examiner's amendment, if to do so will place the application in condition for allowance.

The Examiner has objected to the color drawings, which include screen prints of computer displays. Non-color replacement drawings are being submitted to overcome this objection.

The Examiner has objected to the specification as failing to provide proper antecedent basis for the term "feedback information". Claims 49-62 and 84 were rejected as indefinite on that basis. Rather than amend the specification, Applicant has taken a simpler approach and deleted the term "feedback information" from the claims and replaced it with the phrase "information communicated from the person viewing the display".

The Examiner has rejected claims 49-62 and 84, apparently for the reason that the specification does not use the term "custom design". This appears to be a terminology issue: whether the term a "custom design" is intended to be something different than a design of a "custom orthodontic appliance", which appears in the title and extensively throughout the text of the specification. To clarify this point, the claims are being amended to replace the term "custom design" with the phrase "the design of a custom orthodontic appliance".

Amendments have been made to overcome the claim objections based on stated informalities. As for the objection to the use of the term "or" in claims 50, 52 and 57, it is believed that alternative language is not objectionable per se, as long as it is not objectionable in context. Specifically, the Examiner has apparently objected to the phrase "positions or orientations" in dependent claims 50, 52 and 57, because the non-alternative phrase "positions and orientations" is used in independent claim 49. A distinction is intended: While every tooth in a displayed image must have a position and an orientation, the information communicated from the person viewing the display need not relate to both a tooth position and a tooth orientation, but can relate to one or the other or both, and for any

Application No. 09/941,151  
Amendment dated June 2, 2004  
Reply to Office Action of February 24, 2004

one or combination of teeth. Claims 49 and 52 have been amended to clarify the distinction, while claims 50 and 57, as amended, otherwise overcome the objection.

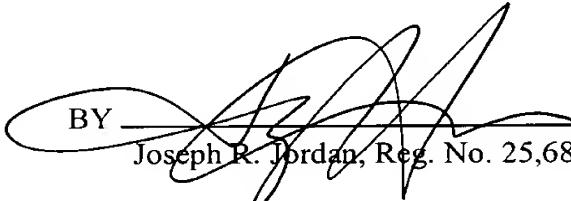
Claim 63 was rejected over Applicant's earlier patent 5,431,562. The Examiner is interpreting the "means" of claim 63 broadly to include any means capable of being used to perform the method of claim 49, even though the method of claim 49 is not anticipated by the reference. Because this raises issues that can be better resolved in a divisional application containing other apparatus claims that have been withdrawn, Claim 63 is being canceled without prejudice from the present application.

Applicants enclose a Petition for Extension of Time and a check for \$110. Applicants do not believe that any other fees are due in connection with this submission. However, if such extension is due or any other fees are necessary, the Commissioner may consider this to be a request for such and charge any necessary fees to deposit account 23-3000.

Applicant respectfully submits that the claims as amended are allowable and that the application is in condition for allowance. Accordingly, an early allowance is respectfully requested.

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.

BY   
Joseph R. Jordan, Reg. No. 25,686

2700 Carew Tower  
Cincinnati, OH 45202  
(513) 241-2324; (513) 241-6234 (Facsimile)